

August 23, 2016

**VIA FEDEX**

Freedom of Information Act Request  
Attn: Tanya Meekins  
U.S. Environmental Protection Agency  
Office of Transportation and Air Quality  
1200 Pennsylvania Avenue, NW (2822T)  
Washington, DC 20460

Re: *Vancouver Alumni Asset Holdings, Inc. v. Daimler AG, et al.*  
No. 2:16-cv-02942-SJO-KS (C.D. Cal.)

Ms. Meekins:

We represent the court-appointed lead plaintiffs in the above-referenced securities class action. We write to request documents and information under the Freedom of Information Act, 5 U.S.C. § 552, *et seq.* ("FOIA").

On February 29, 2016 Reuters published a news article entitled "EPA requests information from Mercedes-Benz over emissions levels." According to the article, in February 2016, the Environmental Protection Agency ("EPA") requested information from Daimler AG's ("Daimler") and its wholly-owned subsidiary Mercedes-Benz USA, Inc. ("Mercedes-Benz") regarding the emissions levels in some of its cars. In the article Christopher Grundler, Director of the EPA's Office of Transportation and Air Quality, is quoted as saying: "We have contacted Mercedes and requested the test results for the U.S. diesel engines." Reuters noted that EPA spokeswoman Laura Allen confirmed the accuracy of Mr. Grundler's comments.

Therefore, we request the following documents in connection with the above:

1. Any and all documents concerning the EPA's February 2016 request that Mercedes-Benz and/or Daimler provide information concerning emissions levels in Mercedes-Benz and/or Daimler vehicles including emissions of carbon dioxide and nitrous oxide in Mercedes-Benz and Daimler vehicles, including but not limited to: (i) diesel engine vehicles that use BlueTEC™ technology; and (ii) Mercedes-Benz models ML 320, R320, S-Class, ML 350, E-Class, GLK Class, GL 320, GL Class, GLE Class, E320, ML Class, Sprinter, S350 and the R Class.
2. Any and all documents provided by Mercedes-Benz or Daimler in response to the EPA's February 2016 request for information concerning emissions levels in Mercedes-Benz and/or Daimler vehicles.

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3. Any and all communications or correspondence with Mercedes-Benz or Daimler concerning the EPA's February 2016 request for information explaining emissions levels in Mercedes-Benz and/or Daimler vehicles.

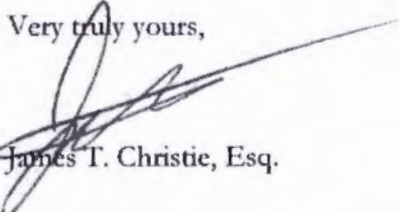
This request is not meant to be exclusive of any other records which, though not specifically requested, would have a reasonable relationship to the subject matter of this request.

In the event that access to any of the requested records is denied, please note that the FOIA provides that if only portions of a requested file are exempted from release, the remainder must still be released. We therefore request that you provide all non-exempt portions that can be reasonably segregated. We further request that you describe the deleted material in detail and specify the statutory basis for the denial, as well as your reasons for believing that the alleged statutory justification applies in this instance.

If necessary, we are willing to pay fees up to \$1,000.00 for copying services. If you expect the fees will exceed this amount, please contact us before proceeding.

We look forward to receiving your response within the twenty day statutory time period. If you have any questions, I am available at your convenience at [jchristie@labaton.com](mailto:jchristie@labaton.com) or 212-907-0781. Thank you in advance for your assistance.

Very truly yours,



James T. Christie, Esq.



[reuters.com](http://reuters.com)

## **EPA requests information from Mercedes-Benz over emission levels**

FRANKFURT/WASHINGTON U.S. Environmental Protection Agency said on Monday it had not opened an official investigation into Daimler's luxury car brand Mercedes-Benz but had only requested information to explain emissions levels in some of its cars.

A spokesman for Daimler said on Sunday it was fully cooperating with the request for information, and that Mercedes-Benz cars conformed with all rules and norms.

Daimler said the EPA request for information came in response to a class-action lawsuit filed by law firm Hagens Berman on Feb. 18, 2016, in the New Jersey District Court.

The suit accuses Mercedes of deceiving consumers with false representations of its BlueTEC vehicles, which it marketed as "the world's cleanest and most advanced diesel."

A Daimler spokesman said the suit was wholly unfounded and without merit.

The lawsuit alleges the automaker knowingly programmed its Clean

Diesel vehicles to emit illegal, dangerous levels of nitrogen oxide, or NOx, at levels 65 times higher than those permitted by the EPA, when operating in temperatures below 50 degrees F (10 C).

Daimler said its cars conformed to all relevant rules and regulations.

It said, however, that under certain circumstances, a system to treat exhaust fumes could operate at a level of reduced effectiveness to prevent condensation from building up in the exhaust system. The condensation could otherwise lead to corrosion and damage the effectiveness of the engine and exhaust system.

That is permissible and not illegal, a spokesman said late on Sunday.

German daily Handelsblatt was first to report the EPA request for information. In its Monday edition, Handelsblatt quoted Christopher Grundler, director of the EPA's Office of Transportation and Air Quality, as saying: "We know about the lawsuit. We have contacted Mercedes and requested the test results for the U.S. diesel engines."

EPA spokeswoman Laura Allen confirmed Grundler's comments.

(Reporting by Edward Taylor in Frankfurt; Additional reporting by David Shepardson in Washington; Editing by Peter Cooney, Greg Mahlich)



